

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7388 of 1999

with

SPECIAL CIVIL APPLICATION No 7409 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT and
MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

NATIONAL TAR PRODUCTS

Versus

UNION OF INDIA

Appearance:

MR AMER DAVE FOR MR PARESH M DAVE for Petitioners
MR MR SHAH for the respondents.

CORAM : MR.JUSTICE J.N.BHATT and
MR.JUSTICE H.K.RATHOD

Date of decision: 27/09/1999

ORAL JUDGEMENT (Per J.N.Bhatt, J.)

Rule, service of which is waived by learned Addl.
Central Government Standing Counsel Mr M.R.Shah on behalf

of the respondents. Upon consensus, since identical questions are involved in both the matters, they are taken up today itself for final hearing and are being disposed of by this common judgment.

Both the petitions are directed against the orders of the respondent No.2 passed in stay applications, inter alia, contending that they are non-speaking orders.

After having considered the impugned orders as at annexure 'A' to the petitions, it cannot be said to be a speaking order. In similar matters, such stay orders of the respondent authorities have been quashed and set aside upon a finding that speaking order should be passed by the authorities considering the relevant facts. Copies of various decisions of this Court are placed for our consideration in this connection. In Special Civil Application No.2332/99, a Division Bench of this Court on 5.4.99 has also taken a similar view.

In the light of the facts of the case and the identical petitions decided, we are also in agreement with the views taken by us in earlier such matters, without entering into the larger questions or without entering into the merits of the main controversy, we are of the view that the impugned orders of the respondent No.2 in both the petitions are required to be quashed and set aside.

We therefore allow these petitions by setting aside the impugned orders and direct the respondent No.2 to adjudicate upon the stay applications of the petitioners on merits after considering all relevant aspects by a speaking order within a period of eight weeks from the date of receipt of order from this Court. Obviously, in the meantime, no further action, including recovery, shall be taken in pursuance of the impugned orders, which we have quashed. Rule is made absolute accordingly in each petition.

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